

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re WESTERN REFINING, INC.
STOCKHOLDER LITIGATION

LEAD CASE No. 3:17-cv-00002-DCG
CLASS ACTION

This Document Relates To:
ALL ACTIONS

**DECLARATION OF THOMAS E. BILEK IN SUPPORT OF
MOTION AND MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOOTNESS
APPLICATION FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES**

I, Thomas E. Bilek, hereby declare as follows:

1. I am a member in good standing of the State Bar of Texas and am admitted to this Court. I am the founder of The Bilek Law Firm, L.L.P. I submit this declaration in support of the motion filed by Plaintiffs Srini Vasan, Brian Miller, Gene Love, and John Solak ("Plaintiffs"), for a mootness application for attorneys' fees and expenses.

2. Plaintiffs' Counsel expended 262.3 hours of attorney and paralegal time in prosecuting this action.

3. Attached as Exhibits A through O are true and correct copies of the following:

Exhibit A: Tesoro Corporation S-4 Registration Statement (Dec. 14, 2016)

Exhibit B: Western Refining, Inc. Schedule 14A Definitive Proxy Statement (Feb. 17, 2017)

Exhibit C: Declaration of Juan E. Monteverde, Esquire, Filed on Behalf of Monteverde & Associates PC in Support of Plaintiffs' Mootness

Application for an Award of Attorneys' Fees and Reimbursement of Expenses

- Exhibit D: Declaration of Thomas E. Bilek in Support of Plaintiffs' Motion for Award of Attorneys' Fees and Reimbursement of Expenses
- Exhibit E: Declaration of James M. Wilson, Jr., Esquire, Filed on Behalf of Faruqi & Faruqi, LLP in Support of Plaintiffs' Mootness Application for an Award of Attorneys' Fees and Reimbursement of Expenses
- Exhibit F: Declaration of Shane T. Rowley, Esquire, Filed on Behalf of Levi & Korsinsky LLP in Support of Plaintiffs' Mootness Application for an Award of Attorneys' Fees and Reimbursement of Expenses
- Exhibit G: Declaration of Michael J. Palestina Filed on Behalf of Kahn, Swick & Foti, LLC in Support of Plaintiffs' Mootness Application for an Award of Attorneys' Fees and Reimbursement of Expenses
- Exhibit H: *In re MetroCorp Bancshares S'holders Litig.*, No. 4:13-cv-03198, Order Approving Settlement and J. (S.D. Tex. Oct. 23, 2014)
- Exhibit I: *Philips v. Texas Indus., Inc.*, No. 3:14-cv-00740-B, Order and Final J. (N.D. Tex. June 10, 2015) (awarding fees and expenses of \$360,000 for supplemental disclosures)
- Exhibit J: *Pompano Beach Police & Firefighters' Ret. Sys. v. Odyssey Healthcare, Inc.*, No. CC-10-03561-E, Final J. and Order of Dismissal with Prejudice (Tex. Dist. Dallas Cty. May 18, 2012)
- Exhibit K: *Call4U, Ltd. v. Goodman Global, Inc.*, No. 2007-66888, Final J. and Order of Dismissal with Prejudice (Tex. Dist. Harris Cty. May 13, 2009)
- Exhibit L: *Lambert v. Tellabs, Inc.*, No. 1:13-cv-07945, Final Order and J. (N.D. Ill. Sept. 11, 2015) (\$700,000 fee)
- Exhibit M: *Nichting v. DPL Inc.*, No. 3:11-cv-141, Order and Final J. (S.D. Ohio Feb. 24, 2012)
- Exhibit N: *In re Covidien PLC Sec. Litig.*, No. 1:14-cv-12949-LTS, Order and Final J. (D. Mass. Sept. 23, 2015) (\$540,000 fee)
- Exhibit O: *Cooke v. Equal Energy Ltd.*, No. 5:14-cv-00087-C, Fed. Court Order and Final J. (W.D. Okla. Apr. 8, 2015) (\$650,000 fee).

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed April 19, 2017, at Houston, Texas.

/s/ Thomas E. Bilek
Thomas E. Bilek